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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

10 TV INTERACTIVE DATA
11 CORPORATION,

12 Plaintiff,

13 v.

14 SONY CORPORATION, et al.,

15 Defendants.

Case No. 10-CV-00475-JF

**STIPULATION AMONG PLAINTIFF
TV INTERACTIVE DATA
CORPORATION, THE DEFENDANTS,
AND NON-PARTY P&F USA, INC. TO
ADD P&F USA, INC. AS A
DEFENDANT AND [PROPOSED]
ORDER**

1 WHEREAS non-party P&F USA, Inc. (“P&F”) is a wholly owned subsidiary of
 2 Defendant Funai Electric Co., Ltd. (“Funai Electric”) that sells electronics products in the United
 3 States, including allegedly infringing DVD-VIDEO (“DVD”) players and Blu-ray Disc™
 4 (including Blu-ray 3D) (“BD”) players manufactured *inter alia* by Defendant Funai Electric;

5 WHEREAS Plaintiff TV Interactive Data Corporation (“TVI”) believes that Funai
 6 Electric is responsible and liable for any and all infringement by P&F of United States Patent No.
 7 5,597,307; United States Patent No. 5,795,156; United States Patent No. 6,249,863; and United
 8 States Patent No. 6,418,532 (collectively, the “patents-in-suit”);

9 WHEREAS TVI filed a separate complaint against P&F in U.S. District Court for the
 10 Northern District of California, Case No. 11-CV-02000, for alleged patent infringement involving
 11 the automatic playback feature in DVD and BD players, the feature of which is allegedly
 12 disclosed and claimed in the patents-in-suit;

13 WHEREAS TVI’s claims in this Action are for alleged patent infringement involving the
 14 same patents and automatic playback feature in DVD and BD players;

15 WHEREAS TVI contends in this Action that Defendant Funai Electric is liable to TVI for
 16 at least P&F’s sales in the United States of allegedly infringing DVD and BD players;

17 WHEREAS TVI asserts, among other things, that it is entitled to relief against Defendant
 18 Funai Electric and P&F jointly, severally, or in the alternative with respect to or arising out of the
 19 same sales of DVD and BD players by P&F;

20 WHEREAS questions of law and fact common to at least P&F and Funai Electric will
 21 arise in this Action, including claim construction of the patents-in-suit, their validity, and whether
 22 certain DVD and BD players sold by P&F infringe any valid claims of the patents-in-suit; and

23 WHEREAS, to promote judicial economy and reduce inconvenience, delay and added
 24 expense, TVI, P&F, Funai Electric, Funai Corporation, Inc. (“Funai Corporation”), and the other
 25 remaining Defendants in the case agree, subject to the approval of this Court, to add P&F as a
 26 party to this Action.

27 Pursuant to Civil L.R. 7-12 and Fed. R. Civ. P. 15 and 20(a)(2), IT IS HEREBY
 28 STIPULATED AND AGREED as follows:

1 1. P&F is added as a defendant to this Action.

2 2. Within seven days of the Court's approval of this stipulation, TVI will dismiss,
3 without prejudice, its complaint against P&F in Case No. 11-CV-02000.

4 3. Within seven days of the Court's approval of this stipulation, TVI will file an
5 amended complaint reasserting its claims against the remaining Defendants and against P&F. A
6 copy of the amended complaint is attached hereto as Exhibit A. The allegations and claims
7 against the remaining Defendants are the same as those in the original complaint.

8 4. P&F waives service of the summons. P&F and the remaining Defendants will file
9 responsive pleadings to the amended complaint within 21 days after TVI files the amended
10 complaint.

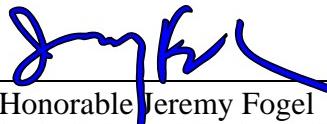
11 5. For purposes of Patent L.R. 3-1, 3-2, 3-3, 3-4 Patent Disclosures, Plaintiff TVI's
12 disclosures to Funai Electric and Funai Corporation shall be treated as if also made to P&F, and
13 Defendants Funai Electric's and Funai Corporation's disclosures shall be treated as if also made
14 by P&F.

15 6. For purposes of Claim Construction Proceedings under Patent L.R. 4-1 to 4-7,
16 P&F is considered part of Funai Electric and Funai Corporation (collectively, "the Funai
17 defendant group") and, accordingly, the proceedings covered by Patent L.R. 4 are complete for
18 P&F.

19 7. For purposes of discovery, P&F is considered part of the Funai defendant group.
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21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22 September 9,
23 Dated: June ____ , 2011



Honorable Jeremy Fogel
United States District Judge

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1 I, Kevin W. Kirsch, am the ECF user whose ID and password are being used to file this
2 STIPULATION AMONG PLAINTIFF TV INTERACTIVE DATA CORPORATION, THE
3 DEFENDANTS, AND NON-PARTY P&F USA, INC. TO ADD P&F USA, INC. AS A PARTY
4 AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby attest that
5 the above signatories have concurred in this filing.

6

7 Dated: June 23, 2011

/s/ Kevin W. Kirsch

Kevin W. Kirsch

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CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Baker & Hostetler LLP, whose address is 312 Walnut Street, Suite 3200, Cincinnati, Ohio 45202. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on June 23, 2011, I served the following:

**STIPULATION AMONG PLAINTIFF TV INTERACTIVE DATA
CORPORATION, THE DEFENDANTS, AND NON-PARTY P&F USA, INC. TO
ADD P&F USA, INC. AS A DEFENDANT AND [PROPOSED] ORDER**

BY ELECTRONIC SERVICE by electronically mailing a true and correct copy through Baker & Hostetler LLP's electronic mail system to the e-mail addresses set forth below per agreement of the parties in accordance with Fed. R. Civ. P. 5(b).

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BY MAIL by placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Cincinnati, Ohio, in sealed envelopes with postage fully prepaid.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 23, 2011, in Cincinnati, Ohio.

/s/ John F. Bennett
John F. Bennett